

## TEC/WG Tribal Issues Topic Group Conference Call Summary May 13, 1999

Participants: Kevin Blackwell (DOT), Milton (JR) Bluehouse (DOE/EM), Jozette Booth (DOE/YMPO), Margaret Fernandez (DOE/EM-22), Kathleen Grassmeier (DOE/NV), Dan King (Oneida Nation), Stephanie Martz (NRC), Stanley Paytiamo (Pueblo of Acoma), Wilda Portner (SAIC), Chris Stearns (DOE/HQ), Dan Tano (DOE/RL), Ki Tecumseh (DOE/AL), Elissa Turner (DOE/RW), Catherine Volk (DOE/EM-22)

Major issues discussed during this meeting included updates on the U.S. Nuclear Regulatory Commission (NRC) Advanced Notice of Proposed Rulemaking (ANPR) on Tribal Prenotification, the Federal Railroad Administration letter on inspection rights, and the Umbrella Grant.

### Action Items:

Review action items listed in Tribal Issues Topic Group Task Plan for discussion on next call/at next meeting - ALL

### Summary:

Stephanie Martz (NRC) reported that the Advanced Notice of Proposed Rulemaking on Tribal Prenotification is still under review by NRC Staff for forwarding to the Commissioners.

Kevin Blackwell said the rail inspection letter is still pending. He reported that the Chief Counsel for the Federal Railroad Administration agrees that the letter should be out. Kevin is still pushing to have something for the July TEC/WG meeting. It was suggested that the DOE General Counsel call Dan Smith, DOT Chief Counsel, to get the letter moving. Elissa Turner said she would check with DOE/RW management to see what they want to do in regards to this issue.

The group was asked to review the action items listed in the Tribal Issues Topic Group Task Plan and be ready to discuss them during the next call or meeting. Are they progressing as intended? Do they need to be modified? Any other comments?

The group was informed of Judith Holm's training and of the possibility that she might be serving a detail at a local Bureau of Indian Affairs office. Members were asked to think about a particular office where she could be most effective and learn the most. The group was also asked about the BIA Identification of Needs Work Group. Is there anything there that could tie in with DOE transportation activities?

In the absence of Judith Holm and Martha Crosland, Wilda Portner gave a brief summary of the Umbrella Grant status. The Sr. Exec. Forum was briefed and raised no issues. Most of the stakeholders with whom DOE has discussed the Grant concept are okay with it and are just waiting to see what develops in the appropriations arena. The breakdown of funding would most likely include: 15% off the top for discretionary funding (grants, special needs, regional group activities, technical assistance, etc.); 40% base funding would go to groups impacted by DOE transportation; the remaining funds would be split by population, highway miles, and number of shipments. A decision from DOE senior managers is expected in June, then the concept will go to the TEC/WG for discussion of implementation strategies. FY 2001 is the target year and a Federal Register notice is anticipated this fall. Allowable costs would include planning activities, training (including emergency preparedness training), public information activities, access to information through vehicles such as TRANSCOM, and equipment. Margaret Fernandez raised the Tribal question in regards to the 40% base funding and the population issue. Ms. Portner suggested she address that question to Judith or Martha. It was also asked where the funding would be administered. The reply was that the issue is still under discussion. When asked whether or not rail mileage was included in consideration for the base funding, Elissa Turner replied "yes."

A brief discussion on Transportation Protocols followed. Prenotification and Planning have been prepared in draft.

In other business, Chris Stearns gave a brief report on his activities and efforts with new technologies, the Electric Competition Bill, and the Energy Assessment Task Force. He also reported that in discussion on the Amendment to the Nuclear Waste Policy Act (H.R. 45), the topic arose on the definition of "Indian." Who should be recognized? Conference call participants seemed to agree that currently Federally

recognized tribes should be considered for funding. Jozette Booth mentioned that "affected status" under that Bill would allow DOE to provide funds to 14 or 15 Tribes. Funding would be handled like it is with the 10 counties that are now funded.

The Tribal Consultation Paper being developed by Judith Holm is on hold pending issuance of the revised DOE American Indian Policy. Jozette Booth asked about the status of the American Indian Policy. Chris Stearns said that DOE plans to send Tribes the existing policy and ask them what they like, don't like, and what's missing. He estimated about an 8-week turnaround time for the initial response. This activity should take place before the end of the year. Kevin Blackwell said DOT is still working on 1-DOT, their Native American policy. DOT expects a final policy to be signed this fall.

Judith Holm has decided not to hold a June conference call. The next meeting will be during the TEC/WG session in Philadelphia in July.